

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) **8:05CR365**
)
vs.) **ORDER**
)
MATTHEW J. LAYTON,)
)
Defendant.)

On February 3, 2006, after granting the motion of counsel for defendant Matthew J. Layton (Layton), the court ordered the defendant be committed to the custody of the Attorney General for a competency examination pursuant to 18 U.S.C. §§ 4241 (Filing No. 61). The evaluation period was extended on March 7, 2006 (Filing No. 79) and on April 18, 2006 (Filing No. 84).

The psychological evaluation was completed by the staff of the Federal Detention Center, Seattle, Washington (FDC-Seattle). The evaluation was performed by Cynthia A. Low, Ph.D. (Dr. Low), Forensic Studies Unit Psychologist, FDC-Seattle, and by Katherine Skillestad, Ph.D. (Dr. Skillestad), Chief Psychologist, FDC-Seattle. The forensic evaluation report, dated April 25, 2006 (Filing No. 85 - Sealed), was provided to counsel for the government and the defendant. The defendant was returned to the District of Nebraska for hearing.

A competency hearing pursuant to 18 U.S.C. § 4247(d) was held on June 14, 2006. The defendant was present together with his counsel, Kellie P. Asaka. The United States was represented by Assistant U.S. Attorney Joe W. Stecher.

The parties stipulated that the court receive and consider the report of Drs. Low and Skillestad (Filing No. 16 - Sealed). Layton was afforded an opportunity to testify and to present evidence or witnesses on his behalf. Layton declined to present any evidence. No further evidence was presented by either side.

The FDC-Seattle forensic evaluation diagnoses Layton as follows: Axis I : 311.00 - Depressive Disorder Not Otherwise Specified (NOS); 292.12 - Amphetamine-Induced Psychotic Disorder, With Hallucinations, With Onset During Withdrawal; V65.2 - Malingering; 303.90 - Alcohol Dependence, In A Controlled Environment; 304.40 - Amphetamine Dependence, In A Controlled Environment; and 304.30 - Cannabis Dependence, In a Controlled Environment; Axis II : No Diagnosis; Axis III: None. The forensic evaluation was made on April 25, 2006, after observation and interviews with Layton at FDC-Seattle after Layton's arrival at that facility on March 2, 2006. Drs. Low and Skillestad concluded Layton does not suffer from a mental disease or defect which would interfere with Layton's ability to understand the proceedings against him or assist counsel in Layton's defense. Drs. Low and Skillestad opined Layton was competent to stand trial.

Based upon a review of the forensic report submitted, I find the defendant, Matthew J. Layton, is mentally competent to stand trial, understands the nature of the proceedings against him, and is able to assist in his own defense.

IT IS ORDERED that, pursuant to 18 U.S.C. § 4241, the defendant, Matthew J. Layton, is mentally competent to understand the nature and consequences of the proceeding against him and to assist properly in his defense. This case shall now progress in the ordinary course of a criminal proceeding in this district.

DATED this 14th day of June, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge